

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2005 Legislative Session

Legislative Day No. **4**

Bill No. 8-2005

Introduced by: The Chairman at the request of the County Executive

AN ACT amending provisions of the Howard County Code that relate to certain Shared Sewage Disposal Facilities; specifying that only the County or a designated governmental body may own, operate, and maintain such facilities; specifying the standards for such facilities; establishing the duties and obligations of the County, controlling authority, developer and residential lot owner; requiring a developer agreement between certain parties for such facilities; giving the County a right of entry to such facilities under certain circumstances; establishing the different fees associated with such facilities and providing for their payment; and generally relating to shared sewage disposal facilities in Howard County.

Introduced and read first time _____, 2005. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2005.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2005 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2005 at ____ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved by the County Executive _____, 2005

James N. Robey, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that*
2 *Subtitle 12 “Shared Sewage Disposal Facilities” of Title 18 “Public Works” and Subtitle*
3 *8 “Shared Sewage Disposal Facilities Charges and Assessments” of Title 20 “Taxes,*
4 *Charges, and Fees” of the Howard County Code are hereby repealed.*

5
6 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
7 *Maryland, that Subtitle 12 “Shared Sewage Disposal Facilities” is added to Title 18*
8 *“Public Works” of the Howard County Code to read as follows:*

9
10 **Title 18. Public Works.**

11 **SUBTITLE 12. SHARED SEWAGE DISPOSAL FACILITIES.**

12
13 **SECTION 18.1200. COMAR AUTHORITY; APPLICATION; PURPOSE.**

14 (A) THIS SUBTITLE IS ENACTED PURSUANT TO PROVISIONS OF THE CODE
15 OF MARYLAND REGULATIONS THAT REGULATE SHARED SEW AGE
16 DISPOSAL FACILITIES.

17 (B) THIS SUBTITLE APPLIES TO SHARED SEW AGE DISPOSAL FACILITIES
18 THAT SERVE CLUSTER DEVELOPMENTS IN RR AND RC ZONED LAND.

19 (C) THE PURPOSE OF THIS SUBTITLE IS TO PROTECT THE PUBLIC HEALTH,
20 SAFETY, AND WELFARE BY ESTABLISHING REQUIREMENTS AND
21 PROCEDURES FOR THE OPERATION, REPAIR, OWNERSHIP, AND
22 MAINTENANCE OF SHARED SEWAGE DISPOSAL FACILITIES.

23
24 **SECTION 18.1201. DEFINITIONS.**

25 TERMS USED IN THIS SUBTITLE HAVE THE MEANINGS INDICATED.

26 (A) *COMAR*. THE CODE OF MARYLAND REGULATIONS.

27 (B) *CONTROLLING AUTHORITY*. THE COUNTY OR A GOVERNMENTAL BODY
28 EMPOWERED BY THE COUNTY TO PROVIDE FOR OWNERSHIP,
29 MANAGEMENT, OPERATION, AND PREVENTIVE AND CORRECTIVE
30 MAINTENANCE OF A SHARED SEWAGE DISPOSAL FACILITY.

1 (C) *DIRECTOR*. THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS
2 OR THE DIRECTOR'S AUTHORIZED DESIGNEE.

3 (D) *DEPARTMENT*. THE DEPARTMENT OF PUBLIC WORKS.

4 (E) *RESIDENTIAL LOT*. IN A SUBDIVISION, A PRIVATELY-OWNED
5 RESIDENTIAL LOT THAT IS SERVED BY THE SHARED SEWAGE DISPOSAL
6 FACILITY.

7 (F) *SHARED SEWAGE DISPOSAL FACILITY*. A SEWAGE SYSTEM THAT SERVES
8 MORE THAN ONE RESIDENTIAL LOT AND IS LOCATED ON A
9 PRESERVATION PARCEL OR OPEN SPACE PARCEL, CONSISTING OF:

10 (1) ALL MAINLINE COLLECTION SEWERS AND APPURTENANCES,
11 INCLUDING PUMPING UNITS, LOCATED WITHIN A ROAD
12 RIGHT-OF-WAY OR PUBLIC EASEMENT THAT ACT TO CONVEY
13 WASTEWATER TO THE SUBSURFACE WASTEWATER DISPOSAL
14 AREA;

15 (2) A SUBSURFACE WASTEWATER DISPOSAL AREA REQUIRED TO
16 OPERATE THE SEWAGE SYSTEM, INCLUDING ALL
17 CONVEYANCE, COLLECTION, TREATMENT, AND DISPOSAL
18 EQUIPMENT;

19 (3) ELECTRICAL, MECHANICAL, OR OTHER SYSTEMS AND
20 CONTROLS USED TO OPERATE AND MAINTAIN THE SYSTEM;
21 AND

22 (4) FOR A SHARED SEWAGE DISPOSAL FACILITY FOR WHICH A
23 MARYLAND DEPARTMENT OF THE ENVIRONMENT
24 GROUNDWATER DISCHARGE PERMIT IS REQUIRED, THE
25 EQUIPMENT, CHEMICALS, AND RELATED MATERIALS
26 REQUIRED TO COMPLY WITH THE TERMS OF THE PERMIT.

27 (G) *SUBSURFACE WASTEWATER DISPOSAL AREA*.

28 (1) AN AREA THAT HAS BEEN EVALUATED FOR SUITABILITY TO
29 SUPPORT A SOIL ABSORPTION SYSTEM (DRAINFIELD) TO
30 SAFELY DISPOSE OF EFFLUENT IN CONFORMANCE WITH

MARYLAND DEPARTMENT OF THE ENVIRONMENT
REGULATIONS GOVERNING SEWAGE DISPOSAL; OR
(2) AN AREA THAT CONTAINS PIPING OR COMPONENTS OF A
SEWAGE DISPOSAL FACILITY.

**SECTION 18.1202. TYPES OF APPROVED SHARED SEWAGE DISPOSAL
FACILITIES.**

A SHARED SEWAGE DISPOSAL FACILITY MAY BE APPROVED BY THE
DEPARTMENT IF THE SHARED SEWAGE FACILITY MEETS ALL OF THE
REQUIREMENTS OF THIS SUBTITLE AND:

(A) A MARYLAND DEPARTMENT OF THE ENVIRONMENT GROUNDWATER
DISCHARGE PERMIT IS NOT REQUIRED FOR THE SHARED SEWAGE
DISPOSAL FACILITY; OR

(B) A MARYLAND DEPARTMENT OF THE ENVIRONMENT GROUNDWATER
DISCHARGE PERMIT IS REQUIRED FOR THE SHARED SEWAGE DISPOSAL
FACILITY AND:

(1) THE HEALTH DEPARTMENT DETERMINED THAT, ON OR
BEFORE JULY 14, 2004, THE FIELD WORK WAS SUBSTANTIALLY
COMPLETED; OR

(2) APPROVAL FOR THE SHARED SEWAGE DISPOSAL FACILITY
WAS DENIED AS OF JULY 14, 2004, IN WRITING, BY THE
DIRECTOR.

**SECTION 18.1203. PLAN APPROVAL; DESIGN AND CONSTRUCTION;
CONSTRUCTION INSPECTION.**

(A) IF A DEVELOPER PROPOSES A SHARED SEWAGE DISPOSAL FACILITY,
THE DEPARTMENT AND THE DEPARTMENT OF PLANNING AND ZONING
MAY NOT APPROVE THE FINAL SUBDIVISION PLAN FOR THE
DEVELOPMENT UNLESS:

- 1 (1) THE DEPARTMENT AND THE HEALTH DEPARTMENT HAVE
2 APPROVED THE PROPOSED SHARED SEWAGE DISPOSAL
3 FACILITY; AND
- 4 (2) THE DEVELOPER HAS :
- 5 (I) CREATED AN INCORPORATED HOMEOWNERS'
6 ASSOCIATION AND OBTAINS APPROVAL OF ITS
7 ARTICLES OF INCORPORATION WITH THE STATE
8 DEPARTMENT OF ASSESSMENTS AND TAXATION;
- 9 (II) EXECUTED AND DELIVERED TO THE OWNER OF THE
10 SHARED SEWAGE DISPOSAL FACILITY DEEDS OF
11 EASEMENT FOR THE INSPECTION, MAINTENANCE,
12 REPAIR, AND REPLACEMENT OF THE SHARED SEWAGE
13 DISPOSAL FACILITY FOR:
- 14 A. THE PRESERVATION PARCEL OR OPEN SPACE
15 PARCEL THAT CONTAINS THE SHARED
16 ~~SEWERAGE~~ SEWAGE DISPOSAL FACILITY; AND
- 17 B. ALL RESIDENTIAL LOTS ; AND
- 18 (III) EXECUTED A DECLARATION OF COVENANTS THAT:
- 19 A. IS BINDING UPON THE DEVELOPER AND ALL
20 SUBSEQUENT OWNERS OF RESIDENTIAL LOTS;
- 21 B. IS APPROVED BY THE COUNTY AND, IF
22 APPLICABLE, THE CONTROLLING AUTHORITY;
- 23 C. IS ENFORCEABLE BY THE HOMEOWNERS'
24 ASSOCIATION;
- 25 D. WILL BE RECORDED IN THE LAND RECORDS FOR
26 HOWARD COUNTY;
- 27 E. PROHIBITS HOUSEHOLD ACTIVITIES BY OWNERS
28 OF RESIDENTIAL LOTS TO ENSURE THAT THERE
29 IS NO ADVERSE EFFECT ON THE CONTINUED
30 FUNCTIONING OF THE SHARED SEWAGE
31 DISPOSAL FACILITY;

- 1 F. REQUIRES PAYMENT BY EACH RESIDENTIAL LOT
2 OWNER OF AN ANNUAL FEE FOR SEWERAGE
3 THAT INCLUDES THE COST OF OPERATIONS AND
4 MAINTENANCE FOR THE CONTINUED
5 FUNCTIONING OF THE SHARED SEWAGE
6 DISPOSAL FACILITY, AS AUTHORIZED IN TITLE 20,
7 SUBTITLE 8 OF THIS CODE; AND
- 8 G. PROHIBITS THE USE OF THE SUBSURFACE
9 WASTEWATER DISPOSAL AREA TO ENSURE THAT
10 THERE IS NO ADVERSE EFFECT ON THE
11 CONTINUED FUNCTIONING OF THE SHARED
12 SEWAGE DISPOSAL FACILITY.
- 13 (B) (1) THE DESIGN AND CONSTRUCTION OF A SHARED SEWAGE
14 DISPOSAL FACILITY SHALL COMPLY WITH STANDARDS OF:
15 (I) THE DEPARTMENT'S DESIGN MANUAL; AND
16 (II) IF THE COUNTY IS NOT THE CONTROLLING AUTHORITY,
17 THE CONTROLLING AUTHORITY.
- 18 (2) STANDARDS OF THE CONTROLLING AUTHORITY AND THE
19 DEPARTMENT SHALL BE CONSISTENT WITH THE
20 REQUIREMENTS OF COMAR AND SHALL INCLUDE:
21 (I) THE MINIMUM ACREAGE AND SUITABILITY OF LAND TO
22 BE DEDICATED AS A SUBSURFACE WASTEWATER
23 DISPOSAL AREA;
24 (II) MATERIAL SPECIFICATIONS FOR TANKS, PIPING AND
25 PUMPS, ELECTRICAL SERVICE AND CONTROLS;
26 (III) THE DESIGN AND SPECIFICATIONS FOR PRESSURIZED
27 AND GRAVITY COLLECTION SYSTEMS;
28 (IV) MINIMUM DESIGN CRITERIA;
29 (V) CONSTRUCTION METHODOLOGY; AND

1 (VI) A SCHEDULE FOR MAINTENANCE OF THE SHARED
2 SEWAGE DISPOSAL FACILITY, INCLUDING INSPECTIONS
3 AND SCHEDULED REPLACEMENTS.

4 (C) THE DEPARTMENT AND THE HEALTH DEPARTMENT SHALL INSPECT A
5 SHARED SEWAGE DISPOSAL FACILITY DURING CONSTRUCTION TO
6 DETERMINE WHETHER THE CONSTRUCTION IS CONSISTENT WITH THE
7 APPROVED PLAN.

8

9 **SECTION 18.1204. DESIGNATION OF SUBSURFACE WASTEWATER**
10 **DISPOSAL AREA; EASEMENT.**

11 (A) IF A DEVELOPER PROPOSES A SHARED SEWAGE DISPOSAL FACILITY,
12 THE DEVELOPER SHALL SET ASIDE AN AREA FOR SUBSURFACE
13 WASTEWATER DISPOSAL.

14 (B) THE AREA SET ASIDE SHALL:

- 15 (1) BE ON A PRESERVATION PARCEL OR, WITH THE APPROVAL OF
16 THE HEALTH OFFICER, AN OPEN SPACE PARCEL; AND
17 (2) SATISFY THE REQUIREMENTS OF THE DESIGN MANUAL,
18 COMAR, AND THE CONTROLLING AUTHORITY THAT GOVERN
19 THE SIZE OF THE AREA AND THE METHODS OF DETERMINING
20 WHETHER THE AREA IS SUITABLE FOR USE AS A SUBSURFACE
21 WASTEWATER DISPOSAL AREA.

22 (C) THE DEVELOPER SHALL GRANT AN EASEMENT TO THE OWNER OF THE
23 SHARED SEWAGE DISPOSAL FACILITY THAT:

- 24 (1) INCLUDES THE SUBSURFACE WASTEWATER DISPOSAL AREA;
25 (2) INCLUDES PUMPS AND ASSOCIATED COMPONENTS ON EACH
26 RESIDENTIAL LOT;
27 (3) INCLUDES THE PIPES CARRYING THE EFFLUENT FROM EACH
28 RESIDENTIAL LOT TO THE SUBSURFACE WASTEWATER
29 DISPOSAL AREA;

- 1 (4) GIVES A RIGHT OF ACCESS TO ALL PUMPS, COMPONENTS,
2 PIPES, AND THE SUBSURFACE WASTEWATER DISPOSAL AREA;
3 AND
4 (5) GIVES A RIGHT OF ENTRY FOR MAINTENANCE AND
5 OPERATION OF THE SHARED SEWAGE DISPOSAL FACILITY.

6
7 **SECTION 18.1205. DEVELOPER AGREEMENT.**

8 (A) AFTER FINAL PLAN APPROVAL AND SIGNATURE APPROVAL OF ALL
9 CONSTRUCTION DRAWINGS AND PRIOR TO THE SUBMISSION OF THE
10 ORIGINAL FINAL PLAT, THE DEVELOPER SHALL ENTER INTO A DEVELOPER
11 AGREEMENT WITH THE COUNTY.

12 (B) THE AGREEMENT SHALL:

- 13 (1) GUARANTEE THE CONSTRUCTION OF THE SHARED SEWAGE
14 DISPOSAL FACILITY IN ACCORDANCE WITH THE APPROVED
15 FINAL PLAN AND ALL APPLICABLE REGULATIONS AND
16 STANDARDS OF THE STATE AND THE COUNTY; AND
17 (2) INCLUDE GUARANTEES BY THE DEVELOPER THAT:
18 (I) SHALL BE SECURED BY A LETTER OF CREDIT,
19 INSURANCE POLICY, OR OTHER FORM OF SECURITY
20 APPROVED BY THE COUNTY SOLICITOR; AND
21 (II) SHALL INCLUDE THE FOLLOWING:
22 A. A PERFORMANCE BOND IN AN AMOUNT THAT:
23 1. IS EQUAL TO 100% OF THE ESTIMATED
24 COST OF CONSTRUCTION; AND
25 2. GUARANTEES TIMELY AND SATISFACTORY
26 COMPLETION OF THE SHARED SEWAGE
27 DISPOSAL FACILITY;
28 B. A PAYMENT BOND IN AN AMOUNT THAT:
29 1. IS EQUAL TO 50% OF THE ESTIMATED COST
30 OF CONSTRUCTION; AND

2. GUARANTEES THE PAYMENT OF DEBTS
OWED FOR LABOR AND MATERIALS USED
IN THE CONSTRUCTION OF THE SHARED
SEWAGE DISPOSAL FACILITY;

C. IF A SHARED SEWAGE DISPOSAL FACILITY
REQUIRES A MARYLAND DEPARTMENT OF THE
ENVIRONMENT GROUNDWATER DISCHARGE
PERMIT, A FORM OF SECURITY THAT ENSURES
COMPLIANCE WITH THE PERMIT IN AN AMOUNT
THAT:

1. IS AT LEAST EQUAL TO 100% OF THE
ACTUAL COST OF CONSTRUCTION;
2. ENSURES THAT THE SHARED SEWAGE
DISPOSAL FACILITY MEETS THE
REQUIREMENTS OF THE PERMIT; AND
3. FOR A TIME PERIOD SPECIFIED IN THE
DEVELOPER AGREEMENT, IS IN AN
AMOUNT SUFFICIENT FOR REPAIR,
REPLACEMENT, OR UPGRADE OF THE
FACILITY IN THE CASE OF POST-
CONSTRUCTION SYSTEM FAILURE,
INCLUDING, BUT NOT LIMITED TO,
REPLACEMENT OF THE FACILITY AND
MATERIAL WITHIN THE SUBSURFACE
WASTEWATER DISPOSAL AREA; AND

D. A MAINTENANCE AND REPAIR BOND IN AN
AMOUNT THAT:

1. IS EQUAL TO 50% OF THE ORIGINAL
AMOUNT OF THE PERFORMANCE SURETY;
AND

2. GUARANTEES THE DEVELOPER'S
OBLIGATION TO COMPLETE REPAIRS AND
CORRECT DAMAGES.

SECTION 18.1206. RESPONSIBILITY OF THE DEVELOPER.

THE DEVELOPER SHALL CONSTRUCT A SHARED SEWAGE DISPOSAL
FACILITY IN ACCORDANCE WITH THE APPROVED PLANS AND TERMS OF
THE DEVELOPER AGREEMENT REQUIRED BY THIS SUBTITLE AND THE
SHARED FACILITIES DEVELOPER AGREEMENT ENTERED INTO PURSUANT
TO SECTION 16.147 OF THIS CODE.

SECTION 18.1207. POWER AND AUTHORITY OF THE COUNTY.

(A) THE COUNTY IS THE CONTROLLING AUTHORITY UNLESS IT ENTERS
INTO A WRITTEN AGREEMENT TO EMPOWER ANOTHER GOVERNMENTAL
BODY TO ACT AS THE CONTROLLING AUTHORITY.

(B) AN AGREEMENT UNDER THIS SECTION SHALL AUTHORIZE THE
CONTROLLING AUTHORITY TO PERFORM ONE OR MORE OF THE
FOLLOWING FUNCTIONS:

- (1) PURCHASING, HOLDING, LEASING, BUILDING, OR
CONSTRUCTING A SHARED SEWAGE DISPOSAL FACILITY;
- (2) IN CONJUNCTION WITH THE DEPARTMENT AND THE
DEPARTMENT OF PLANNING AND ZONING, REVIEWING AND
APPROVING PLANS FOR A SHARED ~~SEWERAGE~~ SEWAGE
DISPOSAL FACILITY;
- (3) ESTABLISHING AND COLLECTING A FEE FOR THE DESIGN
APPROVAL AND CONSTRUCTION INSPECTION OF A SHARED
SEWAGE DISPOSAL FACILITY;
- (4) ESTABLISHING AND COLLECTING A FEE FOR THE OPERATION
AND MAINTENANCE OF A SHARED SEWAGE DISPOSAL
FACILITY AS PROVIDED IN TITLE 20, SUBTITLE 8 OF THIS
CODE;

- 1 (5) OPERATING, REPAIRING, IMPROVING, AND MAINTAINING A
2 SHARED SEWAGE DISPOSAL FACILITY, INCLUDING BUT NOT
3 LIMITED TO:
4 (I) PERIODICALLY INSPECTING THE FACILITY;
5 (II) PERIODICALLY REMOVING SEPTAGE;
6 (III) REPAIRING TANKS, PIPING, PUMPS, AND ELECTRICAL
7 SYSTEMS;
8 (IV) REPAIRING THE SUBSURFACE WASTEWATER DISPOSAL
9 AREA;
10 (V) REPLACING, AT THE END OF THEIR ANTICIPATED
11 USEFUL LIVES, TANKS, PUMPS, PIPING, ELECTRICAL
12 SYSTEMS OR OTHER FACILITIES WITHIN THE
13 SUBSURFACE WASTEWATER DISPOSAL AREA;
14 (VI) RELOCATING THE SUBSURFACE WASTEWATER
15 DISPOSAL AREA AT THE END OF ITS ANTICIPATED
16 USEFUL LIFE;
17 (VII) REPAIRING OR MAINTAINING THE WASTEWATER
18 TREATMENT FACILITIES ;
19 (VIII) PAYING ELECTRICAL COSTS THAT ARE NOT THE
20 RESPONSIBILITY OF THE OWNER OF A RESIDENTIAL
21 LOT; AND
22 (VIII) PERFORMING ADMINISTRATIVE TASKS AND MAKING
23 PAYMENTS ASSOCIATED WITH BEING A CONTROLLING
24 AUTHORITY; AND
25 (6) MAINTAINING RECORDS OF ITS OPERATION AND
26 MAINTENANCE ACTIVITY AT THE SHARED SEWAGE DISPOSAL
27 FACILITY.
28 (C) THE AGREEMENT SHALL PROVIDE THAT RECORDS MAINTAINED BY
29 THE CONTROLLING AUTHORITY ARE SUBJECT TO INSPECTION AND
30 REVIEW BY THE COUNTY DURING REGULAR BUSINESS HOURS.

(D) FOR EACH FUNCTION DELEGATED TO THE CONTROLLING AUTHORITY BY THE AGREEMENT, THE CONTROLLING AUTHORITY SHALL HAVE ALL THE RIGHTS AND RESPONSIBILITIES THAT ARE CONFERRED ON THE COUNTY AND THE DEPARTMENT IN THIS SUBTITLE.

**SECTION 18.1208. RESPONSIBILITIES OF A RESIDENTIAL LOT OWNER;
ABATEMENT OF ADVERSE EFFECTS.**

(A) THE OWNER OF A RESIDENTIAL LOT SHALL:

- (1) PAY THE COUNTY AN ANNUAL OPERATING AND MAINTENANCE FEE FOR THE SHARED SEWAGE DISPOSAL FACILITY PURSUANT TO TITLE 20, SUBTITLE 8 OF THIS CODE;
- (2) IN ACCORDANCE WITH THE DECLARATION OF COVENANTS, PREVENT ADVERSE EFFECTS ON THE SHARED SEWAGE DISPOSAL FACILITY;
- (3) PAY ELECTRICAL COSTS FOR A PUMP LOCATED ON THE OWNER'S LOT; AND
- (4) NOTIFY THE COUNTY IF THE FACILITY'S SYSTEM ALARM SOUNDS OR IF THE FACILITY LOSES POWER.

(B) IF THE DEPARTMENT DETERMINES THAT THE OPERATION OR MAINTENANCE OF A SHARED SEWAGE DISPOSAL FACILITY HAS BEEN ADVERSELY AFFECTED BY A RESIDENTIAL LOT OWNER'S MISUSE OF THE SHARED SEWAGE DISPOSAL FACILITY, THE DEPARTMENT SHALL:

- (1) NOTIFY THE OWNER IN WRITING OF THE ADVERSE EFFECT;
- (2) REQUIRE THE OWNER TO STOP THE MISUSE; AND
- (3) REPAIR THE DAMAGE.

(C) THE RESIDENTIAL LOT OWNER IS RESPONSIBLE FOR REIMBURSING THE COUNTY FOR ALL COSTS INCURRED IN REPAIRING THE DAMAGE, INCLUDING ADMINISTRATIVE CHARGES, ENGINEERING COSTS, AND COSTS OF PURSUING JUDICIAL ENFORCEMENT.

1 **SECTION 18.1209. OWNERSHIP.**

2 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, UPON
3 COMPLETION OF A SHARED SEWAGE DISPOSAL FACILITY AND ITS
4 ACCEPTANCE BY THE DEPARTMENT, THE SHARED SEWAGE DISPOSAL
5 FACILITY BECOMES THE PROPERTY OF THE COUNTY.

6 (B) THE COMPONENTS OF THE SHARED SEWAGE DISPOSAL FACILITY
7 LOCATED ON A RESIDENTIAL LOT ARE OWNED BY THE LOT OWNER.

8
9 **SECTION. 18.1210. USE OF THE SUBSURFACE WASTEWATER DISPOSAL**
10 **AREA.**

11 (A) EXCEPT AS ALLOWED IN COMAR, A STRUCTURE MAY NOT BE
12 LOCATED ON A SUBSURFACE WASTEWATER DISPOSAL AREA.

13 (B) THE LAND ABOVE A SUBSURFACE WASTEWATER DISPOSAL AREA
14 MAY NOT BE:

15 (1) COVERED WITH GRAVEL, ASPHALT, CONCRETE, OR ANY
16 OTHER COVERING OR TOPPING THAT IMPEDES THE GROWTH
17 OF VEGETATION; OR

18 (2) WITHOUT PRIOR AUTHORIZATION FROM THE HEALTH
19 DEPARTMENT AND THE DEPARTMENT, DISTURBED BY EARTH
20 MOVING OR GRADING.

21 (C) ONLY A CROP APPROVED BY THE HEALTH DEPARTMENT, THE SOIL
22 CONSERVATION SERVICE, AND, IF REQUIRED, THE MARYLAND
23 DEPARTMENT OF THE ENVIRONMENT MAY BE GROWN ON THE LAND
24 ABOVE A SUBSURFACE WASTEWATER DISPOSAL AREA.

25
26 **SECTION 18.1211. FEE FOR DESIGN APPROVAL AND CONSTRUCTION**
27 **INSPECTION.**

28 (A) THERE IS A FEE FOR DESIGN APPROVAL AND CONSTRUCTION
29 INSPECTION OF A SHARED SEWAGE DISPOSAL FACILITY.

30 (B) THE FEE IS IN ADDITION TO THE HEALTH DEPARTMENT FEE FOR AN
31 ON-SITE SEWAGE SYSTEM PERMIT.

1 (C) IF THE COUNTY IS THE CONTROLLING AUTHORITY, THE FEE SHALL BE:

2 (1) ADOPTED ANNUALLY BY RESOLUTION OF THE COUNTY
3 COUNCIL; AND

4 (2) COLLECTED IN THE SAME MANNER AND SUBJECT TO THE
5 SAME INTEREST AS A PROPERTY TAX.

6 (D) IF ANOTHER GOVERNMENTAL BODY IS THE CONTROLLING
7 AUTHORITY, THE FEE SHALL BE ESTABLISHED IN ACCORDANCE WITH THE
8 AGREEMENT EMPOWERING THE GOVERNMENTAL BODY TO BE THE
9 CONTROLLING AUTHORITY.

10
11 **18.1212. RIGHT OF ENTRY.**

12 (A) THE DIRECTOR MAY ENTER ANY PROPERTY AT ANY REASONABLE
13 TIME FOR THE PURPOSE OF ENFORCING THE REQUIREMENTS OF THIS
14 SUBTITLE, INCLUDING, WITHOUT LIMITATION, MAKING SURVEYS,
15 CONDUCTING INSPECTIONS, READING METERS, OR REPAIRING ANY
16 PORTION OF A SHARED SEWAGE DISPOSAL FACILITY.

17 (B) (1) THE DIRECTOR SHALL PRODUCE PROOF OF IDENTITY PRIOR
18 TO ENTRY.

19 (2) IF ENTRY IS REFUSED, THE DIRECTOR MAY SEEK A COURT
20 ORDER TO PERMIT ENTRY TO THE DWELLING.

21 (C) THE DIRECTOR SHALL HAVE THE RIGHT TO ENTER A BUILDING,
22 STRUCTURE, OR PREMISES AT ANY TIME WHERE THERE IS EVIDENCE
23 THAT A VIOLATION OF THIS SUBTITLE EXISTS THAT MAY THREATEN THE
24 PUBLIC HEALTH AND SAFETY.

25
26 *Section 3. Be It Enacted by the County Council of Howard County, Maryland, that*
27 *Subtitle 8 “Shared Sewage Disposal Facilities Charges and Assessments” is added to*
28 *Title 20 “Taxes, Charges and Fees” of the Howard County Code is to read as follows:*

1 Title 20. Taxes, Charges and Fees.

2 SUBTITLE 8. SHARED SEWAGE DISPOSAL FACILITIES CHARGES AND

3 ASSESSMENTS.

4

5 SECTION 20.800. PURPOSE.

6 THE PURPOSE OF THIS SUBTITLE IS TO PROVIDE A PAYMENT MECHANISM

7 TO REIMBURSE THE ~~COUNTY~~ CONTROLLING AUTHORITY FOR THE

8 OPERATION, MAINTENANCE, AND CONTINUANCE OF SHARED SEWAGE

9 DISPOSAL FACILITIES.

10

11 SECTION 20.801. DEFINITIONS.

12 TERMS USED IN THIS SUBTITLE HAVE THE MEANINGS INDICATED.

13 (A) *CONTROLLING AUTHORITY*. THE COUNTY OR A GOVERNMENTAL BODY

14 EMPOWERED BY THE COUNTY TO PROVIDE FOR OWNERSHIP,

15 MANAGEMENT, OPERATION, AND PREVENTIVE AND CORRECTIVE

16 MAINTENANCE OF A SHARED SEWAGE DISPOSAL FACILITY.

17 (B) *RESIDENTIAL LOT*. IN A SUBDIVISION, A PRIVATELY-OWNED

18 RESIDENTIAL LOT THAT IS SERVED BY THE SHARED SEWAGE DISPOSAL

19 FACILITY.

20 (C) *SHARED SEWAGE DISPOSAL FACILITY*. A SEWAGE SYSTEM THAT

21 SERVES MORE THAN ONE RESIDENTIAL LOT AND IS LOCATED ON A

22 PRESERVATION PARCEL OR OPEN SPACE PARCEL, CONSISTING OF:

23 (1) ALL MAINLINE COLLECTION SEWERS AND APPURTENANCES,

24 INCLUDING PUMPING UNITS, LOCATED WITHIN A ROAD

25 RIGHT-OF-WAY OR PUBLIC EASEMENT THAT ACT TO CONVEY

26 WASTEWATER TO THE SUBSURFACE WASTEWATER DISPOSAL

27 AREA;

28 (2) A SUBSURFACE WASTEWATER DISPOSAL AREA REQUIRED TO

29 OPERATE THE SEWAGE SYSTEM, INCLUDING ALL

30 CONVEYANCE, COLLECTION, TREATMENT, AND DISPOSAL

31 EQUIPMENT;

1 (3) ELECTRICAL, MECHANICAL, OR OTHER SYSTEMS AND
2 CONTROLS USED TO OPERATE AND MAINTAIN THE SYSTEM;
3 AND

4 (4) FOR A SHARED SEWAGE DISPOSAL FACILITY FOR WHICH A
5 MARYLAND DEPARTMENT OF THE ENVIRONMENT
6 GROUNDWATER DISCHARGE PERMIT IS REQUIRED, THE
7 EQUIPMENT, CHEMICALS, AND RELATED MATERIALS
8 REQUIRED TO COMPLY WITH THE TERMS OF THE PERMIT.

9 (D) *SUBSURFACE WASTEWATER DISPOSAL AREA.*

10 (1) AN AREA THAT HAS BEEN EVALUATED FOR SUITABILITY TO
11 SUPPORT A SOIL ABSORPTION SYSTEM (DRAINFIELD) TO
12 SAFELY DISPOSE OF EFFLUENT IN CONFORMANCE WITH
13 MARYLAND DEPARTMENT OF THE ENVIRONMENT
14 REGULATIONS GOVERNING SEWAGE DISPOSAL; OR

15 (2) AN AREA THAT CONTAINS PIPING OR COMPONENTS OF A
16 SEWAGE DISPOSAL FACILITY.

17

18 **SECTION 20.802. OPERATION AND MAINTENANCE FEE.**

19 (A) THE OWNER OF EACH RESIDENTIAL LOT SHALL PAY THE ~~COUNTY~~
20 CONTROLLING AUTHORITY AN ANNUAL FEE FOR THE OPERATION AND
21 MAINTENANCE OF A SHARED SEWAGE DISPOSAL FACILITY.

22 ~~(B) THE FEE SHALL INCLUDE:~~

23 (B) THE COUNTY MAY ENTER INTO AN AGREEMENT UNDER SECTION
24 18.1207 OF THIS CODE TO EMPOWER ANOTHER GOVERNMENTAL BODY TO
25 ACT AS THE CONTROLLING AUTHORITY AND TO HAVE ALL THE RIGHTS
26 AND RESPONSIBILITIES OF THE COUNTY AS SET FORTH IN THIS SUBTITLE.

27 (C) THE FEE SHALL INCLUDE:

28 (1) THE COST TO OPERATE AND MAINTAIN THE FACILITY,
29 INCLUDING, BUT NOT LIMITED TO:

30 (I) PERIODIC INSPECTION OF THE FACILITY;

31 (II) PERIODIC SEPTAGE REMOVAL;

- 1 (III) REPAIR OF TANKS, PIPING, PUMPS AND ELECTRICAL
2 SYSTEMS;
- 3 (IV) REPAIR OF THE SUBSURFACE WASTEWATER DISPOSAL
4 AREA;
- 5 (V) COST OF REPLACING, AT THE END OF THEIR
6 ANTICIPATED USEFUL LIVES, TANKS, PUMPS, PIPING,
7 ELECTRICAL SYSTEMS OR OTHER FACILITIES WITHIN
8 THE SUBSURFACE WASTEWATER DISPOSAL AREA;
- 9 (VI) COSTS ASSOCIATED WITH RELOCATION OF THE
10 SUBSURFACE WASTEWATER DISPOSAL AREA AT THE
11 END OF ITS ANTICIPATED USEFUL LIFE;
- 12 (VII) ADMINISTRATIVE COSTS, INCLUDING, BUT NOT
13 LIMITED TO LEGAL, BILLING AND OVERHEAD;
- 14 (VIII) ELECTRICAL COSTS THAT ARE NOT THE
15 RESPONSIBILITY OF THE RESIDENTIAL LOT OWNER;
- 16 (IX) COSTS OF WASTEWATER TREATMENT FACILITIES; AND
17 (X) COSTS TO REPAIR OR MAINTAIN THE COMPONENTS OF
18 THE COLLECTION SYSTEM; AND
- 19 (2) AN AMOUNT TO COVER THE ~~COUNTY'S~~ CONTROLLING
20 AUTHORITY'S COSTS FOR:
- 21 (I) REPAIRING TANKS, PUMPS, PIPING, OR FACILITIES
22 WITHIN A SUBSURFACE WASTEWATER DISPOSAL AREA
23 THAT FAIL PREMATURELY; AND
- 24 (II) RELOCATING A SUBSURFACE WASTEWATER DISPOSAL
25 AREA THAT FAILS PREMATURELY.
- 26 (€ D) (1) THE ~~COUNTY~~ CONTROLLING AUTHORITY ANNUALLY SHALL
27 ESTABLISH THE FEE FOR A SHARED SEWAGE DISPOSAL
28 FACILITY.
- 29 (2) THE FEE SHALL BE BASED ON THE HISTORICAL OPERATING
30 AND MAINTENANCE COSTS OF THE SHARED SEWAGE
31 DISPOSAL FACILITY AND SHALL INCLUDE:

- 1 (I) ANY ANTICIPATED COSTS PURSUANT TO A
2 SYSTEMATIC PROCEDURE ESTABLISHED BY THE
3 ~~COUNTY~~ CONTROLLING AUTHORITY; AND
4 (II) ANY SURPLUS OR DEFICIT PROJECTED TO EXIST AT THE
5 END OF THE CURRENT FISCAL YEAR.
6 (~~DE~~) THE OWNER OF A RESIDENTIAL LOT IS REQUIRED TO PAY THE FEE
7 REGARDLESS OF WHETHER THE LOT IS OCCUPIED.
8 (~~EF~~) THE FEE IS DUE AT THE TIME THE PROPERTY IS CONNECTED TO THE
9 SHARED SEWAGE DISPOSAL FACILITY.
10 (~~FG~~) (1) A DEVELOPER MAY CHOOSE TO PRE-PAY SOME OR ALL OF
11 THE FEE FOR A RESIDENTIAL LOT.
12 (2) IF THE DEVELOPER PREPAYS A FEE FOR A RESIDENTIAL LOT,
13 A SUBSEQUENT OWNER OF THE LOT IS RESPONSIBLE FOR THE
14 DIFFERENCE BETWEEN THE ACTUAL OPERATIONS AND
15 MAINTENANCE FEE AND THE AMOUNT PRE-PAID BY THE
16 DEVELOPER.
17 (~~GH~~) IF THE COUNTY IS THE CONTROLLING AUTHORITY, THE COUNTY
18 SHALL CHARGE THE COSTS OF ITS OPERATIONS AND MAINTENANCE
19 ACTIVITIES FOR SHARED SEWAGE DISPOSAL FACILITIES AGAINST THE
20 APPROPRIATE ACCOUNTS MAINTAINED BY THE DEPARTMENT OF FINANCE
21 AND FUNDED BY THE ANNUAL OPERATIONS AND MAINTENANCE FEES
22 PAID BY OWNERS OF RESIDENTIAL LOTS UNDER THIS SECTION.

23

24 **SECTION 20.803. BILLING; PENALTIES.**

25 (A) THE ~~COUNTY~~ CONTROLLING AUTHORITY SHALL PERIODICALLY BILL
26 THE OWNER OF A RESIDENTIAL LOT FOR THE ANNUAL OPERATIONS AND
27 MAINTENANCE FEE.

28 (B) IF THE OWNER OF A RESIDENTIAL LOT DOES NOT PAY THE AMOUNT
29 BILLED WITHIN 30 DAYS AFTER THE BILLING DATE, THE ~~COUNTY~~
30 CONTROLLING AUTHORITY MAY ADD A 10% PENALTY TO THE UNPAID
31 AMOUNT.

1 **SECTION 20.804. ADVANCES FROM THE GENERAL FUND.**

2 (A) ~~THE~~ IF THE COUNTY IS THE CONTROLLING AUTHORITY, THE
3 DIRECTOR OF FINANCE MAY MAKE ADVANCES FROM THE GENERAL FUND
4 FOR SHARED SEWAGE DISPOSAL FACILITIES IF:

5 (1) (I) THERE ARE INSUFFICIENT FUNDS IN THE ACCOUNT FOR
6 A SHARED SEWAGE DISPOSAL FACILITY TO PAY FOR
7 ROUTINE MAINTENANCE OF THE FACILITY; AND

8 (II) THE FUNDS ARE REPAID BY THE COUNTY FROM
9 FUTURE OPERATIONS AND MAINTENANCE FEES PAID
10 BY THE OWNERS OF RESIDENTIAL LOTS; OR

11 (2) (I) THE AMOUNT IN THE ACCOUNT FOR UNPLANNED
12 MAJOR REPLACEMENT COSTS FOR ANY SHARED
13 SEWAGE DISPOSAL FACILITY IS INSUFFICIENT TO
14 COVER THE COST TO THE COUNTY OF AN UNPLANNED
15 MAJOR REPLACEMENT; AND

16 (II) THE FUNDS ARE REPAID BY THE COUNTY FROM THAT
17 PORTION OF ANY FUTURE OPERATIONS AND
18 MAINTENANCE FEES EARMARKED FOR MAJOR
19 REPLACEMENT COSTS.

20 (B) IF THE COUNTY IS NOT THE CONTROLLING AUTHORITY, THE
21 DIRECTOR OF FINANCE MAY NOT ADVANCE FUNDS FROM THE GENERAL
22 FUND UNLESS A WRITTEN AGREEMENT FOR REPAYMENT IS ENTERED
23 INTO BETWEEN THE COUNTY AND THE CONTROLLING AUTHORITY.

24
25 *Section 4. And Be It Further Enacted by the County Council of Howard County,*
26 *Maryland, that this Act shall become effective 61 days after its enactment.*